

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**MISSISSIPPI ASSOCIATION OF
EDUCATORS, et al.**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:25-cv-00417-HTW-LGI

**BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING,
et al.**

DEFENDANTS

**STATE DEFENDANTS’ RESPONSE IN OPPOSITION TO PLAINTIFFS’ MOTION FOR
TEMPORARY RESTRAINING ORDER [ECF # 11]**

State Defendants Board of Trustees of State Institutions of Higher Learning, Mississippi Community College Board, Mississippi State Board of Education, and Mississippi Charter School Authorizer Board (collectively “Defendants”), by and through counsel, file this their response to Plaintiffs’ motion for temporary restraining order [ECF #11], and in support thereof would show the following:

1. This Court does not have jurisdiction over the claims asserted by the Plaintiffs in this action and, therefore, cannot grant any relief including the temporary restraining order sought in the present position because all of the named defendants are entitled to Eleventh Amendment sovereign immunity.

2. Additionally, Plaintiffs cannot establish the requisite elements of traceability and redressability necessary for Article III standing as to three of the four named defendants.¹

¹While the Board of Trustees of State Institutions of Higher Learning (“IHL”) reserves the right to raise issues of standing in the response to Plaintiffs’ motion for preliminary injunction, it does not join in the standing arguments raised in the present response in opposition to Plaintiffs’ motion for a temporary restraining order.

3. Defendants adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Authorities in Support of State Defendants' Response to in Opposition to Plaintiffs' Motion for Temporary Restraining Order*, being filed contemporaneously herewith.

4. On the basis of the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, Plaintiffs' motion for temporary restraining order should be denied for lack of subject-matter jurisdiction.

5. In further support of their response, Defendants submit the following:

Exhibit A Emails dated June 18, 2025.

Exhibit B Emails dated June 19, 2025.

FOR THESE REASONS, Defendants respectfully ask this Court to enter an order DENYING Plaintiffs' Motion for Temporary Restraining Order.

THIS the 23rd day of June, 2025.

Respectfully submitted,

BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING,
MISSISSIPPI COMMUNITY COLLEGE BOARD,
MISSISSIPPI STATE BOARD OF EDUCATION,
AND MISSISSIPPI CHARTER SCHOOL
AUTHORIZER BOARD, STATE DEFENDANTS

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Lisa A. Reppeto
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ATTORNEYS FOR STATE DEFENDANTS BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING, MISSISSIPPI COMMUNITY COLLEGE
BOARD, MISSISSIPPI STATE BOARD OF EDUCATION, AND MISSISSIPPI CHARTER
SCHOOL AUTHORIZER BOARD

CERTIFICATE OF SERVICE

I, Lisa A. Reppeto, Special Assistant Attorney General and attorney for the above-named State Defendants, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 23rd day of June, 2025.

s/ Lisa A. Reppeto
LISA A. REPPETO